IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

HENRY LEE CHANEY,	*	
	*	
Plaintiff,	*	
	*	
v.	*	Civil Action No: 1:09-cv-1015
	*	
AIRSERV CORPORATION, et al.	*	
	*	
Defendant.	*	

ANSWER AND DEMAND FOR JURY

COMES NOW the Defendant, AirServ Corporation, by counsel, and in response to the Complaint filed herein against it, states as follows:

1. That it is without knowledge or information sufficient to either admit or deny the contents of ¶1.

2. That, as to the contents of ¶2, it is admitted only that this Defendant is a corporation in good standing, organized under the laws of the State of Georgia, and is authorized to do business in the Commonwealth of Virginia. It is further admitted only that it provides certain unspecified services to certain unspecified airlines. Due to its breadth, as plead, the balance of that paragraph is unsusceptible to response, and it is without knowledge or information sufficient to admit or deny the same, including but not limited to the allegation that on June 2, 2008, it, and its agents or employees, provided services to the referenced flight at Dulles International Airport, which allegations are therefore denied.

3. That it is without knowledge or information sufficient to either admit or deny the contents of ¶3.

4. That, as to the contents of ¶4, it is specifically and affirmatively denied that, individually or jointly, AirServ Corporation or any employee, agent, or representative of Air

Corporation dropped anyone, including the Plaintiff, Henry Lee Chaney, on the floor. Any remaining contents thereof, if any, are denied and strict proof thereof demanded.

5. That, as to the contents of ¶5, without admitting any specific date, time, location, or event, it is admitted only that AirServ had certain unspecified duties to certain unspecified passengers at Dulles International Airport on the subject date. It is specifically and affirmatively denied that AirServ Corporation or any of its agents, employees, or representatives, at anytime relevant herein, breached any duties, committed any wrongdoing, or were otherwise negligent in any manner. Any remaining contents thereof, if any, are denied and strict proof thereof demanded.

6. That ¶6 is denied and strict proof thereof demanded.

GENERAL DENIAL

Any and all allegations not specifically admitted, denied, or avoided are denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

That your Defendant may rely on any and all affirmative defenses manifested by the law and the evidence, including but not limited to failure to mitigate.

SECOND AFFIRMATIVE DEFENSE

Subject to the law, facts demonstrated during discovery, at trial, and otherwise, this Defendant reserves the right to rely on the defense of contributory negligence and assumption of the risk.

THIRD AFFIRMATIVE DEFENSE

As to each and every cause of action contained in Plaintiff's Complaint, Defendant is informed and believes, and based thereon alleges, that if Plaintiff sustained any injuries or damages, which is specifically denied, those injuries and damages pre-existed, or were caused, in whole or in part, by the acts, omissions, or fault of others for whom this Defendant is not responsible.

FOURTH AFFIRMATIVE DEFENSE

As to each and every cause of action contained in Plaintiff's Complaint, Defendant AirServ Corporation is informed and believes, and based thereon alleges, that any alleged act or omission on its part or the parts of its agents, servants, or employees, individually or jointly, if any, was not the proximate cause of the damages asserted in the Plaintiff's Complaint.

FIFTH AFFIRMATIVE DEFENSE

As to each and every cause of action contained in Plaintiff's Complaint, Defendant AirServ Corporation is informed and believes, and based thereon alleges, that the Plaintiff's damages, if any, may have been the result of a superseding or intervening cause or act or omission of others and not the result of an act or omission on its part, or the parts of its agents, servants, or employees, individually or jointly.

SIXTH AFFIRMATIVE DEFENSE

As to each and every cause of action contained in Plaintiff's Complaint, Defendant AirServ Corporation is informed and believes, and based thereon alleges, that this action may be barred, in whole or in part, by the doctrines of res judicata, estoppel, unclean hands, waiver, release, and laches.

SEVENTH AFFIRMATIVE DEFENSE

As to each and every cause of action contained in Plaintiff's Complaint, Defendant AirServ Corporation is informed and believes, and based thereon alleges, that it, or its agents, servants, or employees, individually or jointly individually, did not breach any duty owed to Plaintiff or otherwise commit any wrongdoing.

EIGHTH AFFIRMATIVE DEFENSE

As to each and every cause of action contained in Plaintiff's Complaint, Defendant AirServ Corporation reserves the right to rely on and amend its answer to include additional affirmative defenses as may be manifested through discovery, by the law and evidence herein.

NINTH AFFIRMATIVE DEFENSE

That the Complaint fails to state a claim for relief or cause of action against it.

DEMAND FOR JURY

Defendant AirServ Corporation demands a trial by jury as to all issues.

WHEREFORE, having fully responded, this Defendant prays that the Complaint herein be dismissed with prejudice and for such other relief as may seem meet and proper.

AIRSERV CORPORATION
By: Counsel

DOMBROFF GILMORE JAQUES & FRENCH, P.C.

By:___________/s/_______________________

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

N/A

And I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

Eric S. Wiener, Esq.
2009 N. 14th Street
Suite 410
Arlington, VA 22201

/s/

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